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APPEARED
575NATION
1 December 1984

The Strange Correspondence of Morris Ernst and John Edgar Hoover 1939-1964

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Or was it so strange a correspondence? After reading and rereading the more than 300 letters exchanged over twenty-five years by Morris Ernst, the great civil liberties lawyer, and J. Edgar Hoover, a most opposite number, I find myself at a loss to select the precise adjective to describe that cascade of epistles.

There are many words that might be applied: bizarre (but that is surely too strong); incongruous (yet often the two men were laboring in the same vineyard); devoted (the *appearance* of that was there, but it was less than skin-deep); collegial (sometimes, but often not). If at moments Ernst wrote as a petitioner and acolyte, there were also times when he appeared as a magisterial Cassandra, forecasting the fall of the temple—the Federal Bureau of Investigation—or even as indulgent headmaster, catching his favorite pupil, Edgar, with a crib up his sleeve.

But the correspondence characterizes itself, and this is true from the first tentative letter (at least the first that has been retrieved under the Freedom of Information Act), written by Hoover to Ernst November 8, 1939. Hoover enclosed, for Ernst's information, a copy of a letter written to him by Lucille B. Milner, secretary of the American Civil Liberties Union, of which Ernst was then general counsel, and a copy of his reply. The exchange dealt with wire-tapping, "a matter which we have discussed on recent occasions."

The first Ernst letter we have is dated April 14, 1941. In it Ernst enclosed a copy of a "hate-mail" letter addressed to newscaster Raymond Gram Swing, "which may be worth putting in your files." That the Ernst-Hoover relationship was still in the greening stage can be adduced by the fact that Ernst addressed his letter, "Dear John." It would not be until November 21, 1941, that "Dear John" became "Dear Edgar."

The last letter of Ernst's that has been retrieved is dated October 8, 1964, and opens, "My dear Edgar." "For your eyes alone," writes Ernst, "I am sending a copy of a letter addressed by Mr. Pemberton, Director of the ACLU, to Osmond K. Fraenkel [of the A.C.L.U. Board of Directors]." The letter to which he refers deals with civil liberties issues

raised by the Warren commission's report on President Kennedy's assassination.

Those letters, of no enduring consequence, are typical of the Ernst-Hoover exchange and indicate a basic feature of it: the secret, unauthorized sharing of letters from third parties.

The existence of an Ernst-Hoover correspondence first came to light in 1977, a year after Ernst's death, in the course of an inquiry by the American Civil Liberties Union into hidden connections between the A.C.L.U. and the F.B.I. The A.C.L.U. retrieved some 45,000 pages of Bureau files under a freedom of information suit, but those included only a handful of Ernst's letters, which gave no indication of the extent of his epistolary relationship with Hoover. Only now do we know about it, thanks to the distinguished scholarly specialist in F.B.I. affairs Prof. Athan Theoharis of Marquette University, who obtained more than 200 items under the F.O.I.A. Included in that *oeuvre* are Ernst-Hoover letters, Hoover-Ernst letters, letters to Ernst from Hoover's amanuensis, Louis B. Nichols, and F.B.I. internal memorandums. Additional material is contained in the correspondence that Ernst deposited at the University of Texas Humanities Center in Austin. That cache consists of one hundred or so documents, many of them duplicates. This study is based also on the Ernst materials in F.B.I. files on the Galindez case (of which, more later), by a handful of other random Ernst materials and by interviews with persons close to Ernst.

The Ernst-Hoover connection involved far more than the "clubby relationship" described in the A.C.L.U.'s official report, which exonerated Ernst of any "overt improprieties." In addition to the hundreds of letters, there were telephone calls and personal visits, of which only a fragmentary record remains. There is, incidentally, no reason to believe that the F.B.I. files have yielded all the Ernst materials they contain. The bulk of the letters should have been placed in Hoover's Personal and Confidential file which was supposedly destroyed by his personal secretary after his death, in 1972. Most of the letters we possess have come from the Official and Confidential file of Assistant Director Louis B. Nichols, who was actually Ernst's primary correspondent. According to F.B.I. regulations these should have been destroyed every six months—but they were not, for reasons that are not clear. They were part of the Bureau's Do Not File files and were not indexed or subject to normal F.B.I. retrieval procedures. Others were part of the Behind the Do Not File

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